

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CHRISTINE CONFORTI, ARATI
KREIBICH, MICO LUCIDE, JOSEPH
MARCHICA, KEVIN MCMILLAN,
ZINOVIA SPEZAKIS, and NEW JERSEY
WORKING FAMILIES ALLIANCE, INC.,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her
official capacity as Monmouth County Clerk,
SCOTT M. COLABELLA, in his official
capacity as Ocean County Clerk, PAULA
SOLLAMI COVELLO, in her official
capacity as Mercer County Clerk, JOHN S.
HOGAN, in his official capacity as Bergen
County Clerk, EDWARD P.
MCGETTIGAN, in his official capacity as
Atlantic County Clerk, and E. JUNIOR
MALDONADO, in his official capacity as
Hudson County Clerk,

Covellos.

Case No.: 3:20-cv-08267

CIVIL ACTION

**DEFENDANT, HON. PAULA
SOLLAMI COVELLO'S ANSWER
TO PLAINTIFFS' COMPLAINT**

COVELLO'S ANSWER AND AFFIRMATIVE DEFENSES

Defendant Hon. Paula Sollami Covello, in her official capacity as Mercer County Clerk (hereinafter "Covello"), through her undersigned counsel, answers the First Amended Complaint of Plaintiffs Christine Conforti, Arati Kreibich, Mico Lucide, Joseph Marchica, Kevin McMillan, Zinovia Spezakakis, and New Jersey Working Families Alliance, Inc. (collectively "Plaintiffs") as follows:

AS TO THE NATURE OF THE CASE

1. Covello denies the allegations in Paragraph 1.

2. Covello denies the allegations in Paragraph 2.

3. Covello is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies the allegations. Covello further states that the article cited by Plaintiffs speaks for itself and denies mischaracterization thereof.

4. Covello is without knowledge or information sufficient to form a belief regarding the truth of the allegations in Paragraph 4 and therefore denies the allegations. Covello affirmatively states that the ballot design in other states speaks for itself and denies any mischaracterization thereof.

5. Covello admits only that NJ allows certain candidates of the same party running for different offices to “bracket” together. The remaining allegations contained in Paragraph 5 are conclusions of law, to which no response is required. To the extent that a response is required, Covello denies the allegations.

6. Covello admits only that bracketed candidates may be drawn for the first position, but affirmatively states that the remaining allegations contained in Paragraph 6 are conclusions of law, to which no response is required. To the extent that a response is required, Covello denies the allegations.

7. The allegations contained in Paragraph 7 are conclusions of law, to which no response is required. To the extent that a response is required, Covello denies the allegations.

8. Covello affirmatively states that the article cited to speaks for itself, and denies any mischaracterization thereof.

9. The allegations contained in Paragraph 9 are conclusions of law, to which no response is required. To the extent that a response is required, Covello denies the allegations.

10. The allegations contained in Paragraph 10 are conclusions of law, to which no response is required. To the extent that a response is required, Covello denies the allegations.

11. Covello admits only that primary elections occur every year, but denies the remaining allegations in Paragraph 11.

12. The allegations contained in Paragraph 12 contain conclusions of law. To the extent that Paragraph 12 contains factual allegations, they are denied.

13. The allegations contained in Paragraph 13 contain conclusions of law. To the extent that Paragraph 13 contains factual allegations, they are denied.

AS TO JURISDICTION AND VENUE

14. The allegations contained in Paragraph 14 are conclusions of law, to which no response is required. To the extent that a response is required, Covello denies the allegations.

15. The allegations contained in Paragraph 15 are conclusions of law to which no response is required and therefore are denied.

16. The allegations contained in Paragraph 16 are conclusions of law, to which no response is required. To the extent that a response is required, Covello denies the allegations.

17. The allegations contained in Paragraph 9 are conclusions of law, to which no response is required. To the extent that a response is required, Covello denies the allegations.

18. The allegations contained in Paragraph 18 are conclusions of law to which no response is required and therefore are denied.

AS TO PARTIES

As to Plaintiffs

**As to Christine Conforti: Congressional Candidate in 2020 Primary
and Future Democratic Candidate:**

19. Covello admits the allegations in Paragraph 19.

20. Covello admits only that Plaintiff lost the July 7, 2020 Democratic Primary Election for the U.S. House of Representatives in New Jersey's Fourth Congressional District, but lacks sufficient knowledge and information to form a belief regarding the truth of the remaining allegations in Paragraph 20 and therefore denies those allegations.

21. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 21 and therefore denies the allegations.

22. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 22 and therefore denies the allegations.

23. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 23 and therefore denies the allegations.

As to Arati Kreibich: Congressional Candidate in 2020 Primary

24. Covello admits the allegations in Paragraph 24.

25. Covello admits the allegations in Paragraph 25.

26. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 26 and therefore denies the allegations.

27. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 27 and therefore denies the allegations.

As to Mico Lucide: Candidate for County Clerk in 2021 and Future Democratic Primaries

28. Covello admits the allegations in Paragraph 28.

29. Covello admits the allegations in Paragraph 29.

30. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 30 and therefore denies the allegations.

31. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 31 and therefore denies the allegations.

32. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 32 and therefore denies the allegations.

As to Joseph Marchica: County Committee Candidate in 2020 and 2022 Primaries

33. Covello admits the allegations in Paragraph 33.

34. Covello admits the allegations in Paragraph 34.

35. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 35 and therefore denies the allegations.

36. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 36 and therefore denies the allegations.

As to Kevin McMillan: Township Committee Candidate in 2020 and Potential Future Primaries

37. Covello admits the allegations in Paragraph 37.

38. Covello admits the allegations in Paragraph 38.

39. Covello admits the allegations in Paragraph 39.

40. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 40 and therefore denies the allegations.

41. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 41 and therefore denies the allegations.

42. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 42 and therefore denies the allegations.

43. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 43 and therefore denies the allegations.

As to Zinovia Spezakis: Congressional Candidate in 2020 and 2022 Primaries

44. Covello admits the allegations in Paragraph 44.

45. Covello admits the allegations in Paragraph 45.

46. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 46 and therefore denies the allegations.

47. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 47 and therefore denies the allegations.

As to New Jersey Working Families Alliance, Inc:

48. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 48 and therefore denies the allegations.

49. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 49 and therefore denies the allegations.

50. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 50 and therefore denies the allegations.

51. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 51 and therefore denies the allegations.

52. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 52 and therefore denies the allegations.

53. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 53 and therefore denies the allegations.

54. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 54 and therefore denies the allegations.

55. Covello denies the allegations in Paragraph 55.

56. Covello denies the allegations in Paragraph 56.

As to Defendants

57. Covello admits the allegations in Paragraph 57.

58. Covello admits the allegations in Paragraph 58.

59. Covello admits the allegations in Paragraph 59.

60. Covello admits the allegations in Paragraph 60.

61. Covello admits the allegations in Paragraph 61.

62. Covello lacks knowledge or information sufficient to admit or deny the truth of the allegations in Paragraph 62 and therefore denies the allegations.

63. The allegations contained in Paragraph 63 contain conclusions of law. To the extent that Paragraph 63 contains factual allegations, they are denied.

64. The allegations contained in Paragraph 64 contain conclusions of law. To the extent that Paragraph 64 contains factual allegations, they are denied.

65. The allegations contained in Paragraph 65 contain conclusions of law. To the extent that Paragraph 65 contains factual allegations, they are denied.

AS TO STATEMENT OF FACTS AND LAW

A. As to Basic Ballot Layout

66. Covello admits the allegations in Paragraph 66.

67. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 67 and therefore denies the allegations.

68. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 68 and therefore denies the allegations.

B. As to Pivot Point

69. The allegations contained in Paragraph 69 contain conclusions of law. To the extent that Paragraph 69 contains factual allegations, they are denied.

70. The allegations contained in Paragraph 70 contain conclusions of law. To the extent that Paragraph 70 contains factual allegations, they are denied.

71. The allegations contained in Paragraph 71 contain conclusions of law. To the extent that Paragraph 71 contains factual allegations, they are denied.

72. Covello denies the allegations in Paragraph 72.

C. As to Bracketing

73. The allegations in Paragraph 73 are conclusions of law, and to the extent that they contain factual allegations, they are denied.

74. The allegations in Paragraph 74 are conclusions of law, and to the extent that they contain factual allegations, they are denied.

75. The allegations in Paragraph 75 are conclusions of law, and to the extent that they contain factual allegations, they are denied.

D. As to Ballot Position

76. The allegations in Paragraph 76 are conclusions of law, and to the extent that they contain factual allegations, they are denied.

77. The allegations in Paragraph 77 contain legal arguments, and to the extent that they contain factual allegations, they are denied.

78. Covello denies the legal conclusions contained in Paragraph 78, and, to the extent that it contains factual allegations, also denies those.

79. The allegations contained in Paragraph 79 are conclusions of law and denied. To the extent that they contain factual allegations, they are denied.

80. The allegations contained in Paragraph 80 include conclusions of law and are therefore denied. To the extent that Paragraph 80 contains factual allegations, they are denied.

81. The allegations contained in Paragraph 81 include conclusions of law and are therefore denied. To the extent that Paragraph 81 contains factual allegations, they are denied.

E. As to United States Senate and Gubernatorial Candidates

82. The allegations contained in Paragraph 82 are conclusions of law and are therefore denied.

83. The allegations contained in Paragraph 83 are conclusions of law and are therefore denied.

84. The allegations contained in Paragraph 84 include conclusions of law and are therefore denied. To the extent that Paragraph 84 contains factual allegations, they are denied

85. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 85.

F. As to Arbitrary Criteria for Ballot Advantage and Varying Standards of County Clerks

86. The allegations contained in Paragraph 86 include conclusions of law and are therefore denied. To the extent that Paragraph 86 contains factual allegations, they are denied

87. The allegations contained in Paragraph 87 include conclusions of law and are therefore denied. To the extent that Paragraph 87 contains factual allegations, they are denied

88. The allegations contained in Paragraph 88 include conclusions of law and are therefore denied. To the extent that Paragraph 88 contains factual allegations, they are denied.

89. The allegations contained in Paragraph 89 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies the allegations.

G. As to Position Bias / Primacy Effect and Other Poor Ballot Design Features

90. The allegations contained in Paragraph 90 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

91. The allegations contained in Paragraph 91 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

92. The allegations contained in Paragraph 92 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

93. The allegations contained in Paragraph 93 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

94. The allegations contained in Paragraph 94 are conclusions of law and are therefore denied.

95. The allegations contained in Paragraph 95 are conclusions of law and are therefore denied.

96. The allegations contained in Paragraph 96 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and affirmatively states that the report referenced speaks for itself, and denies any mischaracterization thereof.

97. The allegations contained in Paragraph 97 are conclusions of law and are therefore denied.

98. The allegations contained in Paragraph 98 are conclusions of law and are therefore denied.

99. Covello denies the allegations in Paragraph 99.

100. The allegations contained in Paragraph 100 are conclusions of law and are therefore denied.

H. As to Conforti Ballot Draw/Ballot Placement

101. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 101 and therefore denies the allegations.

102. Covello admits the allegations in Paragraph 102.

a. Conforti's Monmouth County Ballot Draw and Ballot Placement

103. Covello affirmatively states that the sample ballot in Paragraph 103 speaks for itself and denies any mischaracterization thereof.

104. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 104 and therefore denies the allegations.

105. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 105 and therefore denies the allegations.

106. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 106 and therefore denies the allegations.

107. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 107 and therefore denies the allegations.

108. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 108 and therefore denies the allegations.

b. Conforti's Ocean County Ballot Draw and Ballot Placement

109. Covello affirmatively states that the sample ballot in Paragraph 109 speaks for itself and denies any mischaracterizations thereof.

110. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 110 and therefore denies the allegations.

111. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 111 and therefore denies the allegations.

112. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 112 and therefore denies the allegations.

113. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 113 and therefore denies the allegations.

c. Conforti's Mercer County Ballot Draw and Ballot Placement

114. Covello affirmatively states that the sample ballot in Paragraph 114 speaks for itself, and denies any mischaracterization thereof.

115. Covello admits that Conforti was placed in the same column as Schmidt, but denies the remaining allegations in Paragraph 115.

116. Covello admits the allegations in Paragraph 116.

117. The allegations contained in Paragraph 117 include conclusions of law and are therefore denied. To the extent there are any factual assertions, Conforti denies the allegations.

I. As to Kreibich Ballot Draw/Ballot Placement

118. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 118 and therefore denies the allegations.

119. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 119 and therefore denies the allegations.

120. Covello affirmatively states that the sample ballot in Paragraph 120 speaks for itself, and denies any mischaracterization thereof.

121. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 121 and therefore denies the allegations.

122. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 122 and therefore denies the allegations.

123. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 123 and therefore denies the allegations.

124. The allegations contained in Paragraph 124 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

125. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 125 and therefore denies the allegations.

J. As to Atlantic County Ballot Draw/Ballot Placement and Lucide's Upcoming Primary

126. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 126 and therefore denies the allegations.

127. Covello affirmatively states that the sample ballot in Paragraph 127 speaks for itself and denies any mischaracterization thereof.

128. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 128 and therefore denies the allegations.

129. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 129 and therefore denies them.

130. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 130 and therefore denies the allegations.

131. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 131 and therefore denies the allegations.

K. As to Marchica Ballot Draw/Ballot Placement

132. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 132 and therefore denies the allegations.

133. Covello admits the allegations in Paragraph 133.

134. Covello affirmatively states that the sample ballot in Paragraph 134 speaks for itself and denies any mischaracterization thereof.

135. Covello admits that the Mercer County Clerk's office drew for ballot position based on U.S. Senate candidates first, but lacks knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph 135, and therefore denies them.

136. Covello admits the allegations.

137. Covello affirmatively states that the sample ballot in Paragraph 134 speaks for itself and denies any mischaracterization thereof in Paragraph 137.

138. Covello affirmatively states that the sample ballot in Paragraph 134 speaks for itself and denies any mischaracterization thereof in Paragraph 138.

139. Covello affirmatively states that the sample ballot in Paragraph 134 speaks for itself and denies any mischaracterization thereof in Paragraph 139.

140. Covello affirmatively states that the sample ballot in Paragraph 134 speaks for itself and denies any mischaracterization thereof in Paragraph 140.

141. Covello admits the allegations in Paragraph 141.

L. As to McMillan Ballot Draw/Ballot Position

142. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 142 and therefore denies the allegations.

143. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 143 and therefore denies them.

144. Covello affirmatively states that the sample ballot in Paragraph 144 speaks for itself and denies any mischaracterization thereof.

145. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 145 and therefore denies them.

146. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 146 and therefore denies them.

147. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 147 and therefore denies the allegations.

148. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 148 and therefore denies them.

149. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 149 and therefore denies them.

150. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 150 and therefore denies the allegations.

151. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 151 and therefore denies them.

M. As to Bergen and Hudson County Ballot Draws/Ballot Placement and Spezakis

152. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 152 and therefore denies them.

153. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 153 and therefore denies them.

a. As to Bergen County Ballot Draw / Ballot Placement

154. Covello affirmatively states that the sample ballot in Paragraph 154 speaks for itself and denies any mischaracterization thereof.

155. The allegations contained in Paragraph 155 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

156. The allegations contained in Paragraph 156 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

157. The allegations contained in Paragraph 157 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in and therefore denies them.

158. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 158 and therefore denies them.

159. Covello affirmatively states that the sample ballot in Paragraph 154 speaks for itself and denies any mischaracterization thereof in Paragraph 159.

160. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 160 and therefore denies them.

b. As to Hudson County Ballot Draw / Ballot Placement

161. Covello affirmatively states that the sample ballot in Paragraph 161 speaks for itself and denies any mischaracterization thereof.

162. The allegations contained in Paragraph 162 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

163. The allegations contained in Paragraph 163 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

164. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 164 and therefore denies them.

165. Covello affirmatively states that the sample ballot in Paragraph 161 speaks for itself and denies any mischaracterization thereof in Paragraph 165.

166. The allegations contained in Paragraph 166 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

N. As To NJWF

167. The allegations contained in Paragraph 167 include conclusions of law and are therefore denied. Covello lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and therefore denies them.

AS TO CLAIMS FOR RELIEF

AS TO COUNT I

U.S. Const. Amend. I and XIV, 42 U.S.C. § 1983

Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal Constitution (Right to Vote/Vote Dilution)

168. Covello incorporates by reference the responses to the preceding paragraphs as though set forth fully herein.

169. The allegations contained in Paragraph 169 are conclusions of law, to which no response is required and are, therefore, denied.

170. The allegations contained in Paragraph 170 are conclusions of law to which no response is required and are therefore denied. To the extent that Paragraph 170 contains factual allegations, they are denied.

171. Covello denies the allegations contained in Paragraph 171.

172. Covello denies the allegations contained in Paragraph 172.

173. Covello denies the allegations contained in Paragraph 173.

174. Covello denies the allegations contained in Paragraph 174.

175. Covello denies the allegations in Paragraph 175.

176. The allegations contained in Paragraph 176 are conclusions of law to which no response is required and are therefore denied. To the extent that Paragraph 176 contains factual allegations, they are denied.

177. The allegations contained in Paragraph 177 are conclusions of law to which no response is required and are therefore denied. To the extent that Paragraph 177 contains factual allegations, they are denied.

178. The allegations contained in Paragraph 178 are conclusions of law to which no response is required and are therefore denied. To the extent that Paragraph 178 contains factual allegations, they are denied.

179. Covello denies the allegations in Paragraph 179.

180. Covello denies the allegations in Paragraph 180.

181. Covello denies the allegations contained in Paragraph 181.

182. Covello denies the allegations in Paragraph 182.

AS TO COUNT II

U.S. Const. Amend. I and XIV, 42 U.S.C. § 1983

Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal Constitution (Equal Protection)

183. Covello incorporates by reference the preceding paragraphs as though set forth fully herein.

184. Covello denies the allegations in Paragraph 184.

185. Covello denies the allegations in Paragraph 185.

186. Covello denies the allegations in Paragraph 186.

187. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 187 and therefore denies them.

188. Covello denies the allegations in Paragraph 188.

189. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 189 and therefore denies them.

190. The allegations in Paragraph 190 are conclusions of law and are, therefore, denied. To the extent that Paragraph 190 contains factual allegations, they are denied.

191. Covello denies the allegations in Paragraph 191.

192. Covello the allegations in Paragraph 192.

193. Covello denies the allegations in Paragraph 193.

194. The allegations in Paragraph 193 are conclusions of law and are, therefore, denied. To the extent that Paragraph 193 contains factual allegations, they are denied.

AS TO COUNT III

U.S. Const. Amend. I and XIV, 42 U.S.C. § 1983

**Violation of Plaintiffs' First and Fourteenth Amendment Rights Under Federal
Constitution (Freedom of Association)**

195. Covello realleges and incorporates by reference the above paragraphs as though fully set forth herein.

196. Covello denies the allegations in Paragraph 196.

197. Covello denies the allegations in Paragraph 197.

198. Covello denies the allegations in Paragraph 198.

199. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 199 and therefore denies them.

200. Covello lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 200 and therefore denies them.

201. Covello admits only that Conforti was in the same column as Schmidt, but denies the remaining allegations in Paragraph 201.

202. Covello denies the allegations in Paragraph 202.

203. The allegations in Paragraph 203 are conclusions of law and are, therefore, denied. To the extent that Paragraph 203 contains factual allegations, they are denied.

204. Covello denies the allegations in Paragraph 204.

205. Covello denies the allegations in Paragraph 205.

206. Covello denies the allegations in Paragraph 206.

207. Covello denies the allegations in Paragraph 207.

208. Covello denies the allegations in Paragraph 208.

AS TO COUNT IV

U.S. Const. Art. I, § 4, cl. 1, 42 U.S.C. § 1983

Violation of Elections Clause Under Federal Constitution

209. Covello realleges and incorporates by reference the above paragraphs as though fully set forth herein.

210. The allegations in Paragraph 210 are legal conclusions to which no response is required.

211. The allegations in Paragraph 211 are conclusions of law and are, therefore, denied.

212. The allegations in Paragraph 212 are conclusions of law and are, therefore, denied.

213. The allegations in Paragraph 213 are conclusions of law and are, therefore, denied.

To the extent that Paragraph 213 contains factual allegations, they are denied.

214. The allegations in Paragraph 214 are conclusions of law and are, therefore, denied.

To the extent that Paragraph 214 contains factual allegations, they are denied.

215. The allegations in Paragraph 215 are conclusions of law and are, therefore, denied.

To the extent that Paragraph 215 contains factual allegations, they are denied.

216. The allegations in Paragraph 216 are conclusions of law and are, therefore, denied.

To the extent that Paragraph 216 contains factual allegations, they are denied.

217. Covello denies the allegations in Paragraph 217.

218. Covello denies the allegations in Paragraph 218.

219. Covello denies the allegations in Paragraph 219.

220. Covello denies the allegations in Paragraph 220.

221. Covello denies the allegations in Paragraph 221.

AS TO COUNT V

42 U.S.C. § 1983

Violation of Civil Rights Act

222. The allegations in Count V were dismissed by the Court.

223. The allegations in Count V were dismissed by the Court.

224. The allegations in Count V were dismissed by the Court.

225. The allegations in Count V were dismissed by the Court.

WHEREFORE, Covello request that the Court enter judgment in favor of Covello, dismiss the Complaint in its entirety with prejudice, award costs, and grant such other relief as the Court deems just and equitable.

AFFIRMATIVE DEFENSES

Covello asserts the following affirmative and other defenses, and reserves the right to assert additional defenses and/or supplement, alter, amend, and change their answer upon learning additional facts from various parties to this suit or upon completion of further discovery and litigation.

FIRST AFFIRMATIVE DEFENSE

The complaint, and each claim individually, fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The Plaintiffs lack Standing under Article III of the U.S. Constitution. In particular, they have not demonstrated that they have suffered an injury caused by Covello's actions and that the relief they are seeking would redress the injury.

THIRD AFFIRMATIVE DEFENSE

Plaintiffs' claims barred in whole or part because they are moot.

FOURTH AFFIRMATIVE DEFENSE

The New Jersey Statutes about which Plaintiffs complain, N.J.S.A. 19:23-18 and N.J.S.A. 19:49-2, are constitutional on their face and as applied.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or part, by the doctrine of constitutional estoppel.

SIXTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred, in whole or part, by the equitable doctrines of waiver, estoppel, and laches.

SEVENTH AFFIRMATIVE DEFENSE

Any action taken by Defendant Covello with respect to Plaintiffs was taken in good faith, in a reasonable manner, and for legitimate and lawful reasons.

EIGHTH AFFIRMATIVE DEFENSE

At all relevant times, Defendant Covello acted in full conformity with all applicable statutes and common law.

NINTH AFFIRMATIVE DEFENSE

The Complaint does not state a viable cause of action which permits recovery of attorney's fees, costs or disbursements.

TENTH AFFIRMATIVE DEFENSE

Defendant Covello reserves the right to amend this Answer and to assert additional defenses and/or supplement, alter or change the Answer upon completion of appropriate investigation and discovery.

RULE 11.2 CERTIFICATION

Defendant Covello, through counsel, hereby certifies that, to the best of her knowledge and belief: 1) the matter in controversy is not the subject of another proceeding or arbitration; and 2) no party should be joined in the within action.

Respectfully submitted,

By: s/Jennifer Borek

Jennifer Borek, Esq.

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